

## UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

**SENTENCING MINUTE SHEET**

CR No.	05-1849 JH			USA vs.	Mistrzak		
Date:	December 11, 2008			Name of Deft:	Rafael Mistrzak		
Before the Honorable				Judith C. Herrera			
Time In/Out:	1:32 pm - 1:45 pm (27 minutes) 1:52 pm - 2:06 pm			Type of Proceeding:	Sentencing - Non-Evidentiary		
Clerk:	I. Duran			Court Reporter:	L. Reinicke		
AUSA:	James R.W. Braun			Defendant's Counsel:	Rudolph Chavez		
Sentencing in:	Albuquerque, New Mexico			Interpreter:	None		
Probation Officer:	Anthony Galaz			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Superceding Indictment
If Plea:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:		
Date of Plea/Verdict:	2/21/07			PSR:	<input checked="" type="checkbox"/>	Not Disputed	<input type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings			Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed <input type="checkbox"/> Needed
Exceptions to PSR:							
<b>SENTENCE IMPOSED</b>				Imprisonment (BOP): 12 months as to Count III of Superceding Indictment			
Supervised Release:	2 years			Probation:			500-Hour Drug Program
<b>SPECIAL CONDITIONS OF SUPERVISION</b>							
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days		
<input type="checkbox"/>	Comply with ICE laws and regulations			<input type="checkbox"/>	Community service for _____ months _____ days		
<input type="checkbox"/>	ICE to begin removal immediately or during sentence			<input type="checkbox"/>	Reside halfway house _____ months _____ days		
<input checked="" type="checkbox"/>	Participate in substance abuse program/drug testing			<input type="checkbox"/>	Register as sex offender		
<input checked="" type="checkbox"/>	Participate in mental health program			<input type="checkbox"/>	Participate in sex offender treatment program		
<input checked="" type="checkbox"/>	No alcohol/liquor establishments			<input type="checkbox"/>	Possess no sexual material		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	No computer with access to online services		
<input checked="" type="checkbox"/>	No contact with co-Defts			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No volunteering where children supervised		
<input type="checkbox"/>	Provide financial information			<input type="checkbox"/>	Restricted from occupation with access to children		
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	No loitering within 100 feet of school yards		
<input checked="" type="checkbox"/>	OTHER: Standard & Mandatory Conditions: DNA collection & No firearms.						
Fine:	\$	0			Restitution:	\$	0
SPA:	\$	100 (\$100 as to each Count)			Payment Schedule:	<input checked="" type="checkbox"/>	Due Immediately <input type="checkbox"/> Waived
OTHER:	Deft shall forfeit his rights, title, & interest to a 1999 Honda Accord VIN 1HGCG165XA057214						
<input checked="" type="checkbox"/>	Advised of Right to Appeal			<input type="checkbox"/>	Waived Appeal Rights per Plea Agreement		
<input type="checkbox"/>	Held in Custody			<input checked="" type="checkbox"/>	Voluntary Surrender		
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:			FCI, Elton, Ohio or Laredo, Pennsylvania or Allenwood, PA to be close to family			
<input type="checkbox"/>	Dismissed Counts:						

OTHER COMMENTS	Defense counsel addresses Ct. & has no objections to PSR. Ct. accepts the plea agreement. Defense has introduces deft's father & friends present on behalf of deft. Defense makes argument & asks for a Probation sentence. Deft addresses Ct. Govt. responds to deft's argument. Defense replies & asks for specific places of incarceration. Ct. refers & has reviewed the materials and the PSR. Ct. makes findings on the record re: deft's conduct & personal characteristics. Ct. imposes sentence under the 3553 factors. Govt. moves to dismiss Ct. I of Superceding Indictment.
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